

UNITED STATES DISTRICT COURT

Southern

District of

New York

Richard J. Testa., Individually, and on behalf of
all others similarly situated

SUMMONS IN A CIVIL ACTION

v.

Merrill Lynch, Pierce, Fenner & Smith, Inc.,

CASE NUMBER

07 CV 8320

Judge Hellerstein

TO: (Name and address of Defendant)

Merrill Lynch, Pierce, Fenner & Smith, Inc.
C/O C T Corporation System
111 Eight Avenue
New York, New York, 10011

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Halebian
500 Fifth Avenue
New York, NY 10110
Tel: (212) 608-1900
Fax: (212) 719-4775

an answer to the complaint which is served on you with this summons, within 20 (twenty) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

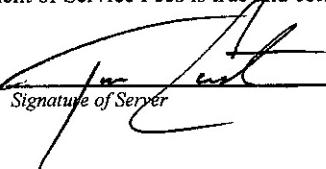
CLERK

(By) DEPUTY CLERK

DATE

SEP 24 2007

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	10/10/2007
NAME OF SERVER (<i>PRINT</i>) Travis Carter	TITLE Paralegal	
<i>Check one box below to indicate appropriate method of service</i>		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: C T Corporation System 111 Eight Avenue		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>10/10/2007</u> Date  <small>Signature of Server</small></p> <p><u>500 Fifth Ave., 58th Flr., New York, NY, 10110</u> <small>Address of Server</small></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.